

James Centobene, J-17051
P.O. Box 705, RB-201L
CTF - North Facility
Soledad, CA 93960-0705

Telephone: N/A

Plaintiff, Propria Persona

~~ORIGINAL~~
FILED

JUN 27 2008

RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES CENTOBENE,)	No. CV 08-2708 WHA (PR)
)	
Plaintiff,)	
)	
v.)	PLAINTIFF'S EX PARTE MOTION
)	TO APPEAR AT HEARING ON
ARNOLD SCHWARZENEGGER, Governor,)	MOTION FOR A TEMPORARY
State of California; JAMES)	RESTRAINING ORDER AND
TILTON, Secretary, Dept. of)	PRELIMINARY INJUNCTION
Corrections and Rehabilitation;)	BY TELEPHONIC CONFERENCE
SCOTT KERNAN, Director, Division)	
of Adult Institutions, Dept. of)	REQUEST FOR ORDER TO APPEAR
Corrections and Rehabilitation;)	BY TELEPHONIC CONFERENCE
TERRI McDONALD, Chief Deputy)	
Administrator, California Out-)	
of-State Correctional Facilities)	
Unit, Dept. of Corrections and)	
Rehabilitation; BEN CURRY,)	
Warden, Correctional Training)	
Facility; and, DOES 1 through 5,)	
)	
Defendants.)	

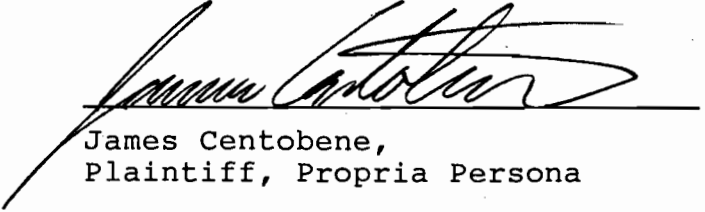
TO THE HONORABLE WILLIAM H. ALSUP:

Plaintiff, James Centobene ("Centobene"), hereby moves the
Court for an ORDER directed to Defendant Ben Curry, Warden of the
Correctional Training Facility to provide Plaintiff Centobene

1 with access to a telephone so he may appear at the hearing on
2 the motion for preliminary injunction by telephonic conference.
3 An ORDER is needed because Centobene is incarcerated, proceeding
4 in propria persona, is unable to personally attend the hearing
5 and has no other means to preserve his substantial rights.
6 In addition, Centobene has no other access to a telephone except
7 for that provided by Defendant Curry.

8 This motion is based on this motion, Centobene's declaration
9 and the memorandum of points and authorities attached hereto.

10 DATED: June 25, 2008

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12 James Centobene,
13 Plaintiff, Propria Persona
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DECLARATION OF PLAINTIFF

I, James Centobene, declare as follows:

1. I am the plaintiff in the attached action.

2. I am seeking an ORDER directed to Defendant Ben Curry, Warden of the Correctional Training Facility to provide me with access to a telephone at the date and time specified by this Court in order to appear by telephonic conference at the hearing on the motion for preliminary injunction.

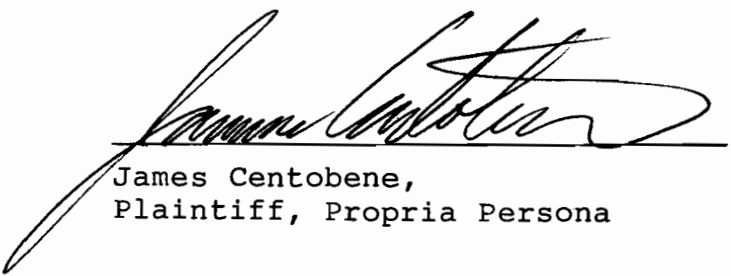
3. I am incarcerated and proceeding in propria persona. As such, I am unable to personally attend this hearing. In addition, I have no access to any telephone that I may use to directly call the Court.

4. Accordingly, the only means I have to answer any questions or concerns from this Court and to defend or argue my case is to appear by telephonic conference.

5. WHEREFORE, I respectfully request that an ORDER for telephonic conference issue.

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I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this declaration this 25th day of June, 2008, at the Correctional Training Facility in Soledad, California.


James Centobene,
Plaintiff, Propria Persona

1 MEMORANDUM OF POINTS AND AUTHORITIES

2
3 Plaintiff Centobene has moved the Court for a Temporary
4 Restraining Order and Preliminary Injunction. If the Court
5 issues a TRO, a hearing on the motion for preliminary injunction
6 generally follows within 20 days.

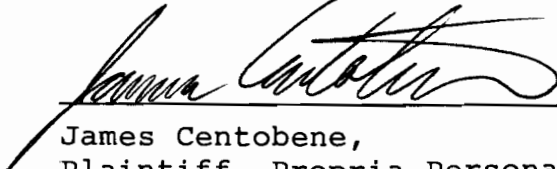
7 Centobene is incarcerated, proceeding in propria persona
8 and is unable to physically attend this hearing. The only means
9 available to Centobene to attend this hearing is to appear by
10 telephonic conference.

11 Pursuant to the Federal Rules of Civil Procedure, Rule
12 83(b), a judge may regulate practice in any manner consistent
13 with federal law, the rules adopted under 28 U.S.C. §§ 2072
14 and 2075 and the local rules of the district. By necessary
15 implication, this includes those orders necessary for the orderly
16 prosecution and conduct of any case the judge may preside over;
17 including orders for telephonic conference.

18 WHEREFORE, Centobene respectfully prays the Court will
19 issue an Order, directed to Defendant Ben Curry, to provide
20 Centobene with access to a telephone so he may participate in the
21 hearing on the motion for preliminary injunction by telephonic
22 conference.

23 DATED: *June 25, 2008*

24 Respectfully submitted,

25
26 
27 _____
28 James Centobene,
Plaintiff, Propria Persona

James Centobene, J-17051
P.O. Box 705, RB-201L
CTF - North Facility
Soledad, CA 93960-0705



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JUN 27 2008

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Clerk's Office of the
United State District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
JUN 27 08-2708 WHA (PR)

JAMES CENTOBENE,

Plaintiff,

v.

[P R O P O S E D]

ARNOLD SCHWARZENEGGER, Governor,
State of California; JAMES

TILTON, Secretary, Dept. of
Corrections and Rehabilitation;

SCOTT KERNAN, Director, Division
of Adult Institutions, Dept. of

Corrections and Rehabilitation;

TERRI McDONALD, Chief Deputy

Administrator, California Out-
of-State Correctional Facilities

Unit, Dept. of Corrections and
Rehabilitation; BEN CURRY,

Warden, Correctional Training

Facility; and, DOES 1 through 5,

Defendants.

ORDER TO PRODUCE PRISONER
AND TO APPEAR AT HEARING
BY TELEPHONIC CONFERENCE

Plaintiff's motion to appear at the hearing on motion for
preliminary injunction having been read and considered and good
cause appearing:

IT IS HEREBY ORDERED that Defendant Ben Curry, Warden of the
Correctional Training Facility shall provide Inmate Centobene,
CDCR No. J-17051, with access to a direct line telephone on the
_____ day of _____, 2008, at _____ a.m. / p.m. so that
he may appear in this Court by telephonic conference.

DATED:

Judge of the District Court